

company, in violation of the Food and Drugs Act, on December 21, 1917, under the name of the Elwood State Bank, from the State of Indiana into the State of West Virginia, of a quantity of tomato catsup which was adulterated. The article was labeled in part, "Royal Red Brand Tomato Catsup Prepared by The Frazier Packing Co. Elwood, Ind. U. S. A."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the catsup was made from partially decayed tomatoes.

Adulteration of the article was charged in the indictment for the reason that it consisted in whole or in part of a decomposed vegetable substance.

On June 29, 1920, a plea of guilty to the indictment was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*

**S703. Adulteration of tomato purée. U. S. \* \* \* v. Sailors Packing Co., a Corporation. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 9857. I. S. No. 9251-p)**

On May 1, 1920, the grand jurors of the United States within and for the District of Indiana, acting upon a report by the Secretary of Agriculture, upon presentment by the United States attorney for said district, returned in the District Court of the United States for the district aforesaid an indictment against the Sailors Packing Co., a corporation, Kokomo, Ind., charging shipment by said company, in violation of the Food and Drugs Act, on December 6, 1917, from the State of Indiana into the State of Illinois, of a quantity of tomato purée which was adulterated. The article was labeled in part, "Stewed and Strained Tomato Puree Packed by the Sailors Packing Co. Kokomo, Ind. U. S. A."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the purée to be partially decomposed.

Adulteration of the article was charged in the indictment for the reason that it consisted in whole or in part of a filthy, putrid, and decomposed vegetable substance.

On June 29, 1920, a plea of guilty to the indictment was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*

**S704. Adulteration and misbranding of cottonseed meal or cake. U. S. \* \* \* v. Southern Cotton Oil Co., a Corporation. Plea of guilty to Counts 2, 4, 6, and 8 of the information. Trial by the court upon Counts 1, 3, 5, 7, and 9 of the information. Judgment of acquittal on Count 9. Judgment of conviction on Counts 1, 3, 5, and 7 of the information. Fine, \$140 and costs. (F. & D. No. 11137. I. S. Nos. 7006-r, 11054-r, 11058-r, 10838-r.)**

At the April, 1920, term of the District Court of the United States for the Eastern District of Arkansas, the United States attorney, within and for said district, acting upon a report by the Secretary of Agriculture, filed an information in 9 counts against the Southern Cotton Oil Co., a corporation, doing business at Little Rock, Ark., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about December 16, 1918, from the State of Arkansas into the State of Missouri, of a quantity of Arkansas Brand cottonseed meal or cake, on or about November 12, and November 9, 1918, from the State of Arkansas into the State of Michigan, of quantities of Baby Brand cottonseed meal or cake, and on or about October 10, 1918, from the State of Arkansas into the State of Kansas, of a quantity of Arkansas Brand cottonseed meal or cake, each of which was adulterated and misbranded.

Analyses of samples of the article in each shipment by the Bureau of Chemistry of this department showed the following results:

Shipment of—	Protein.	Fat.	Fiber.
	<i>Per cent.</i>	<i>Per cent.</i>	<i>Per cent.</i>
December 16.....	34.0	.....	16.5
November 12.....	32.81	5.50	15.82
November 9.....	32.69	5.45	16.00
October 10.....	34.5	.....	15.9

Examination of the samples indicated the presence of a large percentage of cottonseed hulls.

Adulteration of the article in each shipment was alleged in Counts 1, 3, 5, and 7 of the information for the reason that a certain substance, to wit, cottonseed hulls, had been mixed and packed with the article so as to lower and reduce and injuriously affect its quality, and had been substituted in part for cottonseed meal, which the article purported to be.

Misbranding of the article in Counts 2, 4, 6, and 8 of the information was alleged for the reason that the following statements, to wit, "Cotton Seed Meal," "Protein 36% \* \* \* Crude Fibre 14.00%," or "Cotton Seed Meal," "Protein 36 to 38½ per cent, Fat 6 to 8 per cent, Crude Fibre 12 to 15 per cent," or "Cotton Seed Meal," "100 Lbs." "Protein 36.00%, Crude Fibre 14.00%," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article was cottonseed meal, that it contained not less than 36 per cent of protein and not more than 14 or 15 per cent of crude fiber, as the case might be, and in the case of two of the shipments not less than 6 per cent of fat, and in the case of one of the shipments that each of the sacks contained 100 pounds of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that said article was cottonseed meal, that it contained not less than 36 per cent of protein and not more than 14 or 15 per cent of crude fiber, as the case might be, and in the case of two of the shipments not less than 6 per cent of fat, and in the case of one of the shipments that each of the sacks contained 100 pounds of the article, whereas, in truth and in fact, said article was not cottonseed meal, but was a mixture of cottonseed meal and cottonseed hulls; said article contained less than 36 per cent of protein and more than 14 per cent or 15 per cent of crude fiber, as the case might be, and in two of the shipments contained less than 6 per cent of fat, and in one of the shipments each of the sacks did not contain 100 pounds of the article, but contained a less amount. Misbranding of the article in each shipment was alleged for the further reason that it was a mixture of cottonseed meal and cottonseed hulls and was offered for sale and sold under the distinctive name of another article, to wit, cottonseed meal. Misbranding of the article in one of the shipments was alleged in the Count 9 of the information for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 2, 1920, the case having come on for determination upon the information and the agreed statement of facts and certain testimony on behalf of the defendant company, said defendant having pleaded guilty to counts 2, 4, 6, and 8 of the information, and Counts 1, 3, 5, 7, and 9 of the information having been tried by the court, a trial by jury having been waived by both parties, the court thereupon found the issues upon Count 9 in favor of the defendant company and found the defendant company guilty upon Counts 1, 3, 5, and 7 of the information and assessed a penalty against said defendant company of \$140 and the costs of the prosecution.

E. D. BALL, *Acting Secretary of Agriculture.*